19: Marshall M-5 (ca. 1910) 1922 AP1 Burma
Karen AP7

CHAPTER XV

LAWS AND PRECEPTS

The Burmese were accustomed to telling early travelers in their country that the Karen had no laws or government. But this statement was wrong. The investigations of Dr. Mason some sixty years ago brought to light a considerable body of unwritten regulations that were preserved in memory and handed down by word of mouth. The Karen have no knowledge of an early lawgiver among their people, unless their traditions of "Y'wa" might be regarded as pointing to him as having exercised such a function. These regulations, which are cherished as the sayings of the elders, consist of definite precepts that deal with various social relations and obligations, the cultivation of certain traits of character and the suppression of their opposites, the prevention of crime, the punishment of evil-doers, etc. I have already remarked in the chapter on Social Conditions that the unit of political and social life among the Karen is the village.[1] In consequence, the village chief is the highest civil authority in his little community. In the early days a chief of strong personality, such as Saw Lapaw of Bawlake or East Karenni, would extend his control over several villages and perhaps weld them into a kind of state; but, unless this son and heir possessed an equally dominating nature, the fabric would fall apart as soon as the controlling hand was removed. The organization of the village was patriarchal, but the government was really democratic. The elders of the village comprised an informal council, which heard all communal business and talked matters over with the chief, who usually expressed their opinion in rendering his decision. As a rule there was at least one man in every village who was especially versed in the ancient lore, laws, and customs, civil and religious, and who repeated them, together with illustrative stories, to some one of the younger generation who was interested in learning them. A village without such a legal authority was more than likely to be a concrete example of the proverb: "Where there is no smith, the axes are soft. Where there is no cock, the rooms are still." The

[1] See *ante*, p. 127. What follows in this chapter is largely condensed from Dr. Mason's article: *Journal, Asiatic Society of Bengal*, Vol. XXXVII, Pt. II, 139-150.

1s: Marshall M-5 (ca. 1910) 1922 AP1 Burma
Karen AP7

623 626 671 867 inhabitants of such a community were without proper guidance in the conduct of their affairs. They were left unaided by the experience of the past. The elders in the properly instructed villages were the custodians of the ancient laws, which they were not supposed to change but were expected to transmit exactly as they had received them.

67 538 577 578 The form in which these laws have been handed down is illustrated by the following saying on love:

"Children and grandchildren, love one another. Do not quarrel; do not find fault with each other. When we are in the village we are separate persons, but when we go to clear the fields we are brethren; and if one is taken sick on the road or in the jungle, we must take care of him. We must look after each other. When we cut the fields we are brethren. If one is sick, all are sick. If one dies, all die; and we must carry his body back to his house and lay it in the hall, that his brethren may see and his wife and his children may see that he is dead."

Other sayings of the elders are expressed in language similar to that just quoted and deal with such subjects as industry, indolence, helping the poor, widows and orphans, evil-doers, duty to parents, humility, swearing, covetousness, partiality, backbiting, hatred, quarreling, falsehood, oppression, theft, exacting fines, killing, famines, etc. Each saying or precept is in the verbose style of the one given above, telling the younger generations what they should or should not do. Dr. Mason has recounted these various sayings at length, as they were reported to him by a member of the Bwe group of Karen tribes. The sayings thus recorded are found to be similar to those handed down among the Sgaw and other tribes. It is worthy of remark that few of the elders on the plains [178] can repeat them at the present time. Dr. Mason's record covers some twenty pages in the *Journal of the Asiatic Society of Bengal*, but I shall content myself with calling attention to a few salient points in the precepts.

538 671 577 The one on famines has but little of direct import to say about that specific subject. It reminds the "children" that the elder has seen much of life and its vicissitudes, including fires, floods, plagues of rats, and massacres by Burmans and Talaigns. He has seen one man invite another to a meal, in order to accuse him of stealing his food and thus have an excuse for selling him into slavery. He has seen a bronze drum exchanged for a sheaf of paddy

19: Marshall M-5 (ca. 1910) 1922 AP1 Burma
Karen AP7

and a basket of grain sold for a basket of money. He has seen the people dig unhealthy yams and suffer from eating them. In the last three statements the elder is clearly showing the effects of a great scarcity of grain, both on the price one had to pay for food and on the people who were reduced to the necessity of eating bad food. His reference to fires, floods, plagues, and massacres seem intended to suggest the causes of some of the famines that have come under his observation. Notwithstanding the importance of the subject he is dealing with, the elder addresses no exhortation to his hearers, except by implication.

The precept on indolence is full of moralizing. It condemns laziness and enjoins hard work in order to obtain paddy. It teaches the people to do their work with cheerfulness and gladness, as also thoroughly and well. "We love happiness," says the precept, "and our greatest happiness is to clear our fields and build our houses. Everything is in the earth. Work hard with the hoe to dig it out, and one can buy drums and silver and other things. It is better to work for wealth than to obtain it by raids and forays." This saying overlooks neither the spiritual nor material rewards of labor.

The precept on helping the poor, as well as those on fornication and adultery, contain references to famine, indicating that periods of extreme dearth of food must have been of frequent occurrence among the Karen. Fornication and adultery are dreadful sins because, among other reasons, they produce bad crops and scarcity of game. In times of famine the rich should help the poor, but the obligation of the former to the latter seems to stop there, so far as the sayings of the elders go. The admonition to help the poor is as follows:

"Children and grandchildren, work, every one of you, and be prepared for a time of famine. Then, when a time of scarcity or famine comes, let not the rich and those who have all the rice and paddy reject the poor who have nothing, that you may not lose your honor and be abused, but may be honored and respected. When hard times come and there is famine amongst you, let the wealthy help those who have nothing with which to buy and who can not borrow."

In a similar vein the people are urged to care for widows and orphans lest other countries, hearing of their mistreatment of their helpless ones, shall abuse them and call them poverty-stricken. Even if there are rich men among them, others will not

1st Marshall M-5 (ca. 1910) 1922 AP1 Burma
Karen AP7

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believe it. This precept does not appear to have been well observed in practice.[2]

Love of peace is enjoined, because it conduces to happiness, long life, and prosperity. The daughters of one who loves peace,

DIPPING WATER FROM A SHALLOW STREAM
These little girls are all wearing the single white "hse," but the men have their loins girded up after the Burmese fashion.

the people are assured, will conduct themselves with propriety, and his sons will live happily. Evil-doers are doomed to ruin and disaster. Their "drums will become the property of others, their daughters will become slaves, and their sons, servants. Their lands will be destroyed, and their country will come to destruction. Evil-doers do not live to grow old."

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The section relating to duties to parents recounts the many cares of parents and enlarges on the expenditure of strength and sympathy by the mother in behalf of her children. The deduction set forth is that children should care for their parents when they grow old and provide them with food and drink. Those who fail in the performance of such filial duties will suffer for their sin, and

[2] See pp. 134, 256.

19 Marshall M-5 (ca. 1910) 1922 AP1 Burma
Karen AP7

their work will not bring success. They will become sickly, weak, and helpless. 671 538 593

The virtue of humility is extolled at length, as one who knows the Karen people might expect. The people are told that he who does not humble himself but exalts himself, who regards his relatives with disdain, makes forays, is extortionate, beats others for nothing, and, in general, does as he pleases, will die young. Such a man will be punished by the Lord of heaven, losing his drums and money, being left wretched and childless, unable to work, without means to purchase anything, and to die without apparent cause. 671 538 576 571 152 789

Cursing is condemned, and its retributive consequences are shown in the story of a man who was the father of ten children and cursed one of his brethren without a reason. The curse did not harm the one on whom it was pronounced, but reacted upon the other, causing the death of every one of his children. Among the other evils denounced and forbidden are covetousness, partiality, backbiting, hatred, quarreling, falsehood, and exacting fines for the infringement of arbitrary rules or for trespass on one's property. The condemnation of such vices, as well as the encouragement of mutual helpfulness, filial piety, generosity to the needy and helpless, and fear of punishment by the Lord of heaven, show that the Karen had no mean standards of personal conduct. Whether these ideals were lived up to or not is another question. In fact, cursing a person by whom one had been injured was a recognized form of retaliation and punishment. It was necessary to go to his house, stand in front of his door, and recite certain verses imprecating him. The person venting his wrath must do this three evenings in succession, taking with him on the third evening an expiring fagot, an addled egg, and the scrapings from the dish out of which the pigs are fed. On this occasion he closes his imprecation with the words: "May his life go out like this dying fagot. May he be without posterity like this egg. May his end be like the refuse of the dishes."

Theoretically, the principle of the old Mosaic law of a tooth for a tooth and an eye for an eye was valid among the Karen, but it was tempered in the sayings of the elders as follows: "In order not to subject ourselves to fines and punishment, we must allow others to treat us as they choose. If we are struck, we must not strike again. If one strikes your head, strike the floor. If some one blinds you, do not blind him in return. The long is before; the short is behind [that is, the future is long; the past is short]. Love of 681 627 577

19. Marshall M-5 (ca. 1910) 1922 AP1 Burma
Karen AP7

peace gives a wide space; love of evil gives a narrow space. If we want evil, it is present even before all the water has run out of a vessel that has been upset."

The people were warned not to commit fornication or adultery. When they married they were to do so openly. They were told that if they were guilty of fornication, their sons and their daughters would die and the country would be defiled and destroyed on their account. The begetting of illegitimate children was declared to be displeasing to "Thi Hko Mü Xa," the Lord of heaven and earth, and to be the cause of irregularity of the rains, bad crops, failure of seeds and vegetables to germinate, disappointment in the hunt, poverty, and slavery. On the discovery of illicit relations between two of the villagers they were brought before the elders, who required the guilty persons to buy and kill a hog and each of them to dig a furrow in the ground with a leg of the animal. They were then to fill the furrows with the blood of the hog, after which they were to scratch the soil into little holes and mounds while repeating the following prayer: "Lord of heaven and earth, God of the mountains and hills. I have destroyed the productiveness of the country. Do not be angry with me, do not hate me; but have mercy on me and pity me. I now repair the mountains. I heal the hills and the streams with my hands. May there be no failure of crops, no unsuccessful labor, or unfortunate efforts in my country. Let them be dissipated on the distant horizon. Make the paddy fruitful and the rice abundant. Cause the vegetables to flourish. If we cultivate but little, may we obtain but little." When each of the guilty pair had completed this ceremonial, they said that they had made reparation and returned to their houses. In Shwegyin, however, such culprits were driven from the village and required to live outside.[2]

Among the Bwes it was customary to fine adulterers, unless they were single or widowed; but if a wife was involved, her paramour was compelled to pay a fine to the injured husband and take the woman as his wife, the former husband being considered divorced and free to marry again with the money he had received. In case a husband was found guilty of adultery, the woman concerned must pay a fine to the injured wife, who became free to contract another marriage.

If the crops were poor, the villagers suspected that it was due to secret sins of this sort and felt the need of making offerings to

[2] See pp. 192, 297.

19: Marshall M-5 (ca. 1910) 1922 AP1 Burma
Karen AP7

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appease the Lord of heaven and earth and to find out the guilty persons.

On the subject of stealing the exhortation of the elders was not to steal, destroy, defraud, or act dishonestly. Such deeds are by no means secret. Even though unconfessed, they become manifest in the ordeal by water and in that of ascending a tree. The God of heaven sees. The Lord of the mountains and hills, "Thi Hko Mü Xa," sees. If one is hungry, one should work, should bend the back. If one wants fish, one should use the hand-net. If one desires game, let one repair to the jungle for it. Families are to be fed in this way, not by stealing or by running into debt. 685 538

A person who had been caught stealing might be let off, if it was his first offense and he restored the stolen property and promised to reform. If, however, he became a confirmed thief, he was sold into slavery. In some parts of the Toungoo district it was not uncommon for one guilty of stealing to pay the penalty with his life. If positive proof was lacking and there was doubt as to his guilt, the ordeal by water was resorted to.

Murder was, of course, utterly condemned in the sayings of the elders, for "man is not like the beasts. He has a Lord and Master. We are the children of Thi Hko, of Y'wa who created us. Therefore, do not kill one another." The murderer will be surrendered to the Lord of the lands and will be put to death. He can not escape. His body will be left naked in the fields, and the vultures will devour it. "These things," the elders declare, "have we seen with our own eyes, and we know them, and they have often happened among us." However, the circumstances under which a murder was committed were taken into account. A homicide at a drunken feast was considered an accident, for it was thought that the one guilty of the crime would not have committed it had he been sober. No cause for an action existed in such a case. 682 538

Men killed while taking part in a foray were to be redeemed, that is, a fine was to be paid for them, unless the leader had been excused from such payment in advance.[4] Likewise, the accidental death of a man during a trading, hunting, or other trip undertaken at the request of another, was chargeable to the latter, because otherwise it would not have occurred. 761 672

The recognized way of bringing to justice an offender who was accused of causing the death of another, was for the near relatives 682 628

[4] See p. 187.